

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RAYMOND ADAMS

Plaintiff,

v.

HANSEN FOODS, INC. and HARDEE'S
FOOD SYSTEMS, INC.,

Defendants.

Case No. 09-cv-009-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on its own initiative. The Court has an independent duty to ensure that it has subject matter jurisdiction to hear cases brought before it. *Hammes v. AAMCO Transmissions, Inc.*, 33 F.3d 774, 778 (7th Cir. 1994); *see also Cook v. Winfrey*, 141 F.3d 322, 325 (7th Cir. 1998) (citing *Crawford v. United States*, 796 F.2d 924, 929 (7th Cir. 1986) (“[O]nce the district judge has reason to believe that there is a serious jurisdictional issue, he is obliged to resolve it before proceeding to the merits even if the defendant, whether as a matter of indolence or strategy, does not press the issue.”)). Plaintiff’s Complaint alleges that both Plaintiff and Defendant Hansen Foods, Inc. are citizens of Illinois. However, Plaintiff alleges federal jurisdiction is proper based on diversity of citizenship pursuant to 28 U.S.C. § 1332. In response to this Court’s Order to show cause why this case should not be dismissed for lack of jurisdiction, counsel for Plaintiff has conceded that complete diversity of citizenship as required by 28 U.S.C. § 1332 does not exist. There being no other basis for federal jurisdiction, the Court hereby

DISMISSES this case for lack of jurisdiction.

IT IS SO ORDERED.

DATED: February 11, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE